




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,817	08/05/1999	SHARON R. GARBER	54419US1B014	5974
32692	7590	08/12/2004	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			KIM, AHSHIK	
PO BOX 33427			ART UNIT	
ST. PAUL, MN 55133-3427			PAPER NUMBER	
			2876	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b> 	
	09/368,817	GARBER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ahshik Kim	2876	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/10/04 (Appeal Brief).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 20-23, 26-35 and 40-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 20-23 and 26-35 is/are rejected.
- 7) ☒ Claim(s) 40-43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Appeal Brief*

1. Receipt is acknowledged of the Appeal Brief filed on May 10, 2004. Examiner also  
5 notes that the amendment after final filed on February 10, 2004 (along with notice of appeal) was  
not entered. It is now entered. Although the amendment is entered, this Office Action is in  
response to appeal brief.

### *Finality Withdrawn*

10 2. In careful review of the Appellant's appeal brief, especially the summary of invention  
and subsequent argument section, the finality of the office action (mailed out on September 10,  
2003) is withdrawn. Currently, claims 1-6, 20-23, 26-35, and 40-43 remain for examination.

### *Claim Rejections - 35 USC § 102*

15 3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

20 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed  
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for  
patent by another filed in the United States before the invention by the applicant for patent, except that an  
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this  
subsection of an application filed in the United States only if the international application designated the United  
States and was published under Article 21(2) of such treaty in the English language.

25 4. Claims 1, 20-23, 26-30, 32, and 33 are rejected under 35 U.S.C. 102(e) as being  
anticipated by Frich et al. (US 6,203,262 B1, hereinafter "Frich").

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Re claims 1, 20-23, 26-30 32, and 33, Frich teaches an RFID device, and the method and system for utilizing the RFID tag. RFID tag contains an identification information and shelf location (col. 4, lines 47+; col. 4, line 63 – col. 5, line 6) for the books to be restocked.

5 ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the  
15 claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)  
20 and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 2-6, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al. (US 5,963,134, hereinafter "Bowers") in view of Frich (US 6,203,262B1).

Re claims 2-6, Bowers discloses an RFID device comprising an interrogator 42, 43 for  
25 obtaining information from an RFID element 54 associated with an item 22 wherein the device is portable and adapted for carriage and hands-free use by a person (see abstract; col. 6, lines

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38-42; col. 8, lines 1+; col. 9, lines 34+); an indicator for indicating information regarding one or both a class of materials (i.e., KA-452-11001, etc.) to which the item 54 belongs, and a desired location (i.e., main, engineering, etc.) for that item 54 wherein the indicator provides at least one of an audible and a visual indication (figs. 4 & 7; col. 7, lines 65-67; col. 10, lines 35+); wherein  
5 the information is obtained from memory within the RFID device (figs. 1 & 3; col. 9, lines 15-36); wherein the information is obtained from memory separate from the RFID device by upload (col. 10, lines 44+); wherein the information is obtained from the tag on the item (fig. 2; col. 8, lines 35-53).

Re claims 34 and 35: Bowers further discloses a method of using an RFID device for  
10 identifying and locating items having an RFID element 54 associated therewith; comprising providing information to the RFID device 42 identifying a location; interrogating the items 22 with the REID device 42 to determine the identity of the items 22; associating the items with the location; interrogating an RFID element: 54 associated with a location; arranging and interrogating the items 22 in a series [KA-452-11001, KA-456-11221, etc.] so that the REID  
15 device 42 can determine the location of one item with respect to other items; displaying the items and their respective locations; and downloading the information associating the items with the location to a computer 48, wherein the items are library materials (figs. 1 & 4; col. 9, line 41 through col. 10, line 21; col. 8, lines 50-56; and col. 11, lines 57-65).

Bowers fails to specifically teach or fairly suggest that identification or other related  
20 information is directly retrieved from the tag.

Frich teaches an RFID system wherein item information is retrieved from the RFID tag (see paragraph 1 above).

In view of Frich's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to modify the tag so that the information is directly encoded in the tag so that users could read information without being part of the complex application system. It is also the examiner's view that storing information locally (or directly) versus remote  
5 storing is purely a design variation element where the users or the system requirements can select a method suitable for their embodiment. Either methodology serves same function, and therefore they are functionally equivalent.

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frich in view of  
10 Ghaffari et al. (US 5,708,423, hereinafter "Ghaffari"). The teachings of Frich have been discussed above.

Re claim 31, Frich has been discussed above but fails to teach or fairly suggest that the method further comprising the step of passing the cart through a tunnel.

Ghaffari teaches the above limitation with tunnel 84 in fig. 4; col. 6, lines 27-57.

15 It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ghaffari into the teachings of Frich in order to provide Frich with a quicker and easier way of determining items' location without checking each and every item individually. Furthermore, such modification would provide Frich with a more user-friendly system by saving time and requiring less arduous labor. Accordingly, such  
20 modification would have been an obvious extension as taught by Frich, well within the ordinary skill in the art, and therefore an obvious expedient.

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***Allowable Subject Matter***

9. Claims 40-43 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter: the claims are directed at RFID system, particularly embodied in library materials wherein the items  
5 are identified, located and shelved. As acknowledged by the Applicant, Bowers (US 5,963,134) generally discloses a library inventory system comprising RFID tags. Frich also discloses locating and shelving a group of books utilizing RFID tags. However, the cited references, taken alone or in combinations, fail to suggest or teach utilizing a card in locating the item of interest wherein the card is encoded with item information, and the card is read by the card reader, and  
10 location from the card reader to the item is provided set forth in the claims.

***Additional Remarks***

11. Examiner regrets that the amendment filed along with the notice of appeal was not considered in timely manner. Appeal brief filed on May 10, 2004 have been carefully  
15 considered. Outstanding claims and previously cited references have been carefully reviewed. Additional search was conducted before the case is forwarded for appeal. This Action is based on finding of the relevant references. Accordingly, this Action is made non-final.

***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

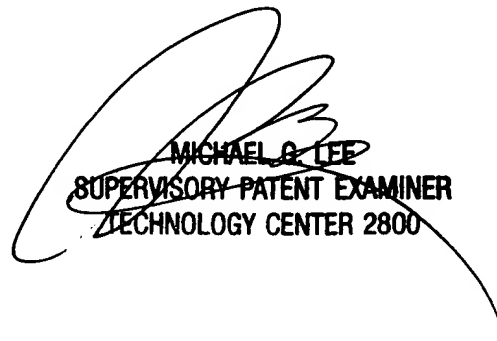
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ahshik Kim  
Patent Examiner  
Art Unit 2876  
August 2, 2004



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